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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/605,148 06/23/00 SHAMBLIN

W ALPI 6 P 16,

EXAMINER

QM32/1219

CRUTSINGER & BOOTH

NGUYEN, T

1601 ELM STREET SUITE 1950  
DALLAS TX 75201

ART UNIT

PAPER NUMBER

3726

DATE MAILED:

12/19/00

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.  
**09/605,148**

Applicant(s)

**Shamblin**

Examiner

**Trinh Nguyen**

Group Art Unit

**3726**



☒ Responsive to communication(s) filed on Jun 23, 2000

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

## Disposition of Claims

☒ Claim(s) 1-20 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☒ Claim(s) 1-7 is/are allowed.

☒ Claim(s) 8-20 is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☐ Claims \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

## Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. **Claims 8-10, 12, 14-17, and 19** are rejected under 35 U.S.C. 102(b) as being anticipated by **Sanford** (US 3,255,943).

**Sanford** teaches a truss assembly/roller apparatus (10) for use in connection a plurality of truss members (11) and a plurality of connection plates (see line 15 of col. 1) to fabricate a truss. The truss assembly/roller apparatus (10) comprising: a truss table (18, 19) having two guide tracks (134, 71, 149) coupled to the truss table and a work surface on which the truss may be positioned; a roller assembly (16) movably coupled to the guide tracks, wherein the roller assembly including a plurality of drive wheels (119, 145) for moving the roller assembly relative to the truss table worksurface, a roller (90) to press the connector plates in to the truss members, and a motor (111) configured to be rotatably coupled to the roller and the drive wheels; and an adjustment apparatus (113, 116, 121, 121A, 96, 122, 123, 124, 125, 126, 121B, 129, 130, 131, 132) supporting and maintaining the roller assembly parallel to the work surface (see lines 63-75 of col. 5, lines 1-15 of col. 6, and figure 9).

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***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 11, 13, 18, and 20** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Sanford** (US 3,255,943).

**Sanford** teaches the claimed invention essentially as claimed except to mention that the roller and the drive wheels rotate at a same speed. It would have been obvious to one of ordinary skill in the art at the time the invention was made that whether the roller and the drive wheels are rotated at the same or different speed is a matter of design choice since no significant problem is solved or unexpected result obtained by having the roller and the drive wheels rotate at a same speed as claimed versus that taught by the prior art.

***Allowable Subject Matter***

5. **Claims 1-7** are allowed.

***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure and are cited on form PTO-892 encloses herewith.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Trinh Nguyen** whose telephone number is (703) 306-9082.

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Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-1148.

TTN

December 7, 2000

  
S. THOMAS HUGHES  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3700